

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEBERG, LISA STEIN, and
AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; CANANDAIGUA
NATIONAL BANK & TRUST COMPANY;
ESTATE OF ELLIOTT W. GUMAER, JR.;
EBER BROS. & CO., INC.; EBER BROS.
WINE AND LIQUOR CORP.; EBER
BROS. WINE & LIQUOR METRO, INC.;
EBER-CONNECTICUT, LLC; and
WENDY EBER,

Defendants.

Civil Action No. 16-CV-9517(LAK)

**NOTICE OF SECOND MOTION TO
COMPEL THE EBER DEFENDANTS
TO PROVIDE DISCOVERY
IMPROPERLY WITHHELD ON
PRIVILEGE GROUNDS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum, Plaintiffs, Daniel Kleeberg, Lisa Stein, and Audrey Hays, move this Court for an order compelling Defendants Lester Eber; Alexbay, LLC; Eber Bros. & Co., Inc.; Eber Bros. Wine and Liquor Corporation; Eber Bros. Wine & Liquor Metro, Inc.; Eber-Connecticut, LLC; and Wendy Eber (together, the “Eber Defendants”) to provide discovery, including documents and interrogatory responses, currently being withheld as allegedly privileged.

Dated: October 23, 2018

/s Brian C. Brook

Brian C. Brook (BB 1980)

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and Audrey Hays*